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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,571	01/10/2002	Andrew Myers	23452-148	5212

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/041,571

Applicant(s)

MYERS ET AL.

Examiner

Ovidio Escalante

Art Unit

2645

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-23.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600.

Advisory Action

Applicants contend that Becker does not teach or suggest at least the feature of a message forwarder that enables forwarding of audible messages, wherein the annotation associated with the audible messages are forwarded at the option of the subscriber.

Applicants argue that regarding paragraph 51, Becker teaches of sessions rather than messages and the sessions use text rather than audible messaging sessions. The Examiner respectfully disagrees.

While paragraph 51 does teach of messaging sessions, the Examiner believes that the messaging session, which includes a message either from or directed to a "PAL", reads on the claimed messages since the message session as a whole is considered to be a message to/from a user (PAL). For Example, in fig. 1, the message session ("ANNE") has the message "Hello, Zak, I am fine. How are you?" and the annotation to that message is indicated in box 136 as "Just fine. Can you meet me now in Conference Room B to discuss the project?". The user of the interface shown in figure 1 can then forward this message session, which includes the message with or without annotation as shown in paragraph 81, to a PAL user or archives.

Applicant further argue that Becker fails to teach or suggest a notes field, including annotation associated with any type of session and/or any type of message. The Examiner respectfully disagrees.

In paragraph 81, Becker specifically teaches an example of the forward command, as shown in FIG. 1, which allows the user **to annotate, if desired, and forward** an entire **messaging session** to another pal. Since the messaging session includes a message then Becker clearly teaches of annotating messages and forwarding the message to another recipient.

Applicants contend that Becker does not disclose annotating a message prior to forwarding the message. The Examiner respectfully disagrees.

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Paragraph 81, clearly discloses that a user can annotate a message prior to forwarding the message to another user or forwarding the message to the archives.

Furthermore, while the Examiner acknowledges that Becker teaches forwarding text messages rather than audible messages to another pal or to the user's archives with annotations as disclosed in paragraph 56, Becker provides for a plurality of different media situations. In paragraph 36, Becker teaches that messages from multiple messaging-enabled devices may be received, Becker further teaches in paragraph 5 that messaging methods include **voice messaging**, electronic messaging, email fax, instant messaging, conferencing and chat. Therefore, Becker teaches that voice messages may be received and sent. This is further emphasized in paragraph 47 in which Becker discloses that many different types of messaging are possible including, audio messaging services. Each pal can use a plurality of different devices including telephones.

In paragraphs 86-89, Becker uses a scenario, which involves audible messaging. Becker teaches that a user uses a microphone to leave a message for a pal. The user can then forward that message to other pals.

Therefore, since the user interface of Becker provides an interface for a plurality of different media formats then the Examiner believes that Becker discloses forwarding audible messages to another user and that the combination of Wilcox and Becker would have been obvious for one of ordinary skill in the art since forwarding of voice messages with annotations was well known in the art and so that additional information can be shared among users.

Therefore, in view of the above response the Examiner is maintaining the rejection as set forth in the Final Office Action.